



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P(MD)No.12625 of 2016

P.Prema

... Petitioner

-vs-

1.The State of Tamil Nadu represented
by its Inspector of Police
All Women Police Station
Sivakasi, Virudhunagar District
Crime No.21/2013

2.Selvarani

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate, Sivakasi to dispose C.C.No.410 of 2013 within a time period to be fixed by this Court.

For Petitioner : Mr.N.Dilipkumar

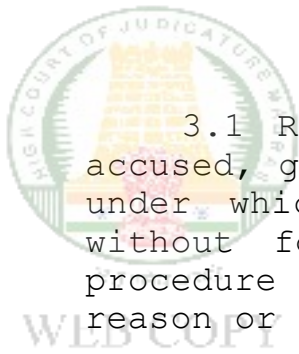
For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl. Side)

ORDER

This petition has been filed seeking a direction to the Judicial Magistrate, Sivakasi to dispose of C.C.No.410 of 2013 within a time period to be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the 1st respondent.

3. It is seen from the 'B' diary extract that from 23.12.2013 to 17.02.2014, the case has been listed under the caption 'fresh summons'. Thereafter for three hearings, viz., 10.03.2014, 18.08.2014 and 10.11.2014, it is listed under the caption 'for trial'. Thereafter, from the year 2015, starting from 12.01.2015 till 02.05.2016, it is adjourned under the caption 'evidence'. It is not known as to whether summons have been served on the witnesses or not. Thus, the matter is kept pending without any progress for more than two years.



3.1 Right to speedy trial is the fundamental right of the accused, guaranteed under Article 21 of the Constitution of India, under which, the life or personal liberty cannot be deprived without following due procedure, established by law. The due procedure does not contemplate adjournment of the case without any reason or adjournment without justifiable cause..

3.2. Right to speedy trial is all the more essential in matrimonial matters. The result of the criminal trial may have an impact upon the continuation of the relationship between the couple (in 498-A cases). It may have an impact upon the proceedings pending before the Family Court also. In cases under Section 498-A, the couple is incapacitated from making future plans, because of the uncertainty. The anxiety suffered during trial will have adverse impact upon the possibility of reunion. The consequences occurred during the long trial get deeply impressed upon the mind of the accused and that may become an impediment for the joint living of the couple at the later point of time. Considering those circumstances, the Trial Court shall show all earnestness to dispose of matrimonial matters as quickly as possible.

4. Under such circumstances, the Judicial Magistrate, Sivakasi is directed to dispose of C.C.No.410 of 2013 within a period of three months from the date of receipt of a copy of this order.

With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate, Sivakasi

2.The Inspector of Police,
All Women Police Station,
Sivakasi, Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/s.N.Dilipkumar, Advocate in SR.No.39284

RR/ar

CSL/SK-SKN/03.08.2016 :2P/5C

Cr1.O.P(MD)No.12625 of 2016

25.07.2016